

Notice of Allowability

Application No.

10/019,945

Examiner

Tamthom N. Truong

Applicant(s)

CRAWLEY ET AL.

Art Unit

1624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

aims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included with (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

☒ This communication is responsive to amendment of 3-10-04.

☒ The allowed claim(s) is/are 1,6-9,14 and 16.

☐ The drawings filed on _____ are accepted by the Examiner.

☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☒ All b) ☐ Some* c) ☐ None of the:

1. ☒ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements stated below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

☒ Notice of References Cited (PTO-892)

☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 3-10-04

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☒ Interview Summary (PTO-413), Paper No./Mail Date attached.

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Donald Bird on 05-26-04.

The application has been amended as follows:

Claim 16:

On the first line, delete the phrase "**prevention or**", and
after the phrase 'treatment of', insert – a --,
and

On the second line, delete the word "**diseases**", and insert the word –disease– in
its place; also delete the phrase "**or medical conditions in a warm-blooded
animal in need of such treatment**".

Allowable Subject Matter

Applicant's amendment of 03-10-04 has overcome the previous rejections of 112/1st and 2nd paragraphs by deleting non-elected subject matter, and canceling claims 2-5, 10-13, and 15.

With no other outstanding rejection, pending claims 1, 6-9, 14, and 16 are allowed.

Reason for Allowance

The following is an examiner's statement of reasons for allowance:

The invention is drawn to compounds of substituted quinazoliny1-NR²-C(=O)-NR³-Q², their pharmaceutical composition, and method of treating a T-cell mediated disease.

The closest reference, **Tang et. al. 6,204,267 B1**, teaches two compounds of substituted quinazoline-urea-phenyl. However, those compounds have been excluded from the instant claims.

Therefore, the teaching of Tang et. al. no longer anticipates the instant claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Information Disclosure Statement

The IDS of 03-10-04 has been considered. The cited references cannot be combined with the teaching of Tang et. al. for a prima facie case of obviousness.

References cited on PTO-892

An updated search yields several references as listed on PTO-892. Although they teach compounds of urea substituted heterocycles, their preferred embodiment is not directed to compounds of substituted quinazoline-urea. Therefore, there is no motivation for one skilled in the art to select the claimed compounds from their generic teachings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamthom N. Truong whose telephone number is 571-272-0676. The examiner can normally be reached on M-F (~10 am ~ 6:30 pm).

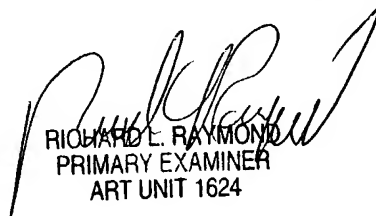
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mukund Shah can be reached at 571-272-0674. If you are unable to reach Dr. Shah within a 24 hour period, please contact James O. Wilson, Acting SPE of 1624, at 571-272-0661.

The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1600.



T. Truong

May 26, 2004



RICHARD E. RAYMOND
PRIMARY EXAMINER
ART UNIT 1624